

Federal Communications Commission
Washington, DC

In the Matter of:

**National Deaf-Blind Equipment
Distribution Program**

NDBEDP PN Comments

)
)
)
)
)
)

CG Docket No. 10-210
PRM11CG

**Comments of
American Association of the Deaf-Blind**

via electronic filing
September 5, 2014

Contact information:

Randall Pope, President
American Association of the Deaf-Blind
PO Box 8064
Silver Spring, MD 20907-8064
Phone 301-563-9064
Email randall.pope@aadb.org

Introduction

The American Association of the Deaf-Blind (AADB) applauds the Federal Communication Commission (Commission) for moving quickly to establish the first National Deaf-Blind Equipment Distribution Program (NDBEDP) as mandated by the Communications and Video Accessibility Act (CVAA), signed into law on October 8, 2010, after passing both houses in Congress. This was indeed a glorious day for many deaf-blind people, whose lives have been positively touched in many ways. Not only that, the NDBEDP have placed us on an even footing with other people in making phone calls using legacy PSTN analog technologies or the modern VoIP digital technologies over the Internet. AADB also thanks the Commission for giving the deaf-blind community and individuals this opportunity to greatly improve NDBEDP in its program structure, equipment distribution, training, administration, outreach, and other areas.

AADB is a national consumer organization of, for, and by Deaf-Blind Americans. The mission of AADB is to enable deaf-blind persons to achieve their maximum potential through increased independence, productivity and integration into the community. Our main focus is advocacy and public awareness on behalf of all Deaf-Blind people that enhances the quality of their lives.

A person who is “Deaf-Blind” does not always mean he is fully deaf and fully blind. It means that there is a range that encompasses all types and levels of combined vision and hearing loss that affects a person's ability to:

- Communicate

- Get environmental information
- Participate in the community
- Obtain and keep a job
- Maintain independence

Acknowledgements

AADB wishes to give our heartfelt thanks to the readers of AADB-L listserv, Professional Service for Deaf-Blind Consumers and DeafBlind Techie Email Group, plus many deaf-blind individuals, friends and professionals who have contributed their comments through emails and in personal conversations. AADB also wishes to thank the Commission for this opportunity to respond to their questions about the up and coming National Deaf-Blind Equipment Distribution Program (NDBEDP).

Table of Contents

Introduction	3
Acknowledgements	4
Table of Contents	5
I. Discussion	6
II. Program Structure	8
III. Funding	18
IV. Consumer Eligibility	24
V. Equipment	27
VI. Individualized Assessment of Communications Needs	29
VII. Installation and Training	33
VIII. Outreach and Education	36
IX. Oversight and Reporting	37
X. Other Considerations	39

I. Discussion

For the purpose of clarification, a deaf-blind person may be defined as an individual who is:

- Totally deaf and totally blind
- Deaf with low vision or vision impaired
- Hard of hearing with low vision or vision impaired
- Deaf and totally blind
- Hard of hearing and totally blind
- Hearing impaired and low vision
- Hearing impaired and totally blind
- Hearing and vision impaired or
- Any combination and level of vision AND hearing loss

In gathering information, AADB has reached out to the deaf-blind community through emails and Facebook. The majority of the comments by deaf-blind individuals were made in person, by phone or through emails. Also, we were able to obtain comments from individual who participated in the NDBEDP.

Unfortunately AADB was unable to obtain any official data, statistics, reports or any useful information from the 53 entities in all 50 states, Washington, DC, Puerto Rico or the Virgin Islands that were certified by the Consumer and Governmental Affairs Bureau (Bureau) to administer NDBEDP in their respective jurisdictions. Nor was AADB able to find any official data, statistics, reports or information from the Commission, its website¹ or the NDBEDP “I Can

¹ <http://www.fcc.gov/encyclopedia/national-deaf-blind-equipment-distribution-program>

Connect” website². This made it quite difficult for AADB to pinpoint the problem and assist the Commission on its quest to reduce fraud, waste, and abuse.

AADB has received numerous complaints by consumers in the past two years since the NDBEDP pilot program was first established. Some of the complaints are:

- Long delays in getting applications approved. Some consumers have reported waiting for more than a year to get approval.
- Longer delays even after approval to receive the equipment. In some cases, the consumers have been waiting for more than a year.
- Not enough training after receiving the equipment. And sometimes no training at all.
- Lack of resources for the equipment received due to obsolete technologies or defunct technical support.
- No opportunity to evaluate equipment options before ordering
- Received wrong equipment that did not match their need
- No response when complaints were filed with the Commission or the program providers.
- Many "trainers" lack training, skill and/or experience on Deaf-Blind equipment, Braille literacy, troubleshooting techniques among many other areas.
- Lack of skilled and experienced personnel in accessing or evaluating the needs of potential deaf-blind users.
- No ombudsman system to challenge the assessor or evaluator when consumers do not agree with initial assessment or other decisions.
- No easy way for consumers to file complaints or comments with certified state program where the consumer reside, the Bureau or the Commission

II. Program Structure

3. Due to the number of complaints we received through letters, emails and in person, AADB does not support the Consumer and Governmental Affairs Bureau's (Bureau's) proposal to re-certify the 53 entities to receive ongoing support for the distribution of telecommunication

² <http://www.icanconnect.org/>

equipment to low-income individuals who are deaf-blind which including primary oversight and responsibility for compliance with program requirements directly or through collaboration, partnership, or contract with other individuals and entities within or outside of their states or territories.

Often these certified programs are statewide programs that only serve deaf people or blind people, do not provide the full spectrum of services in the manner that would give the deaf-blind consumer the best possible service. For example the state blind programs may focus on audible assistive equipment, who those deaf-blind who are hard of hearing but do not know little or none at all about equipment for deaf-blind who communication in American Sign Language. Or the state EDP may offer strong knowledge on equipment for the deaf people but know nothing about assistive technology and services for deaf blind (DB) people, such as braille displays or notetakers.

Unfortunately, most, if not all, of these programs are managed or overseen by non-deaf-blind people with a few qualified deaf-blind people employed as trainers but none of the programs are administered by qualified deaf-blind who can do the same work just as efficiently and effectively just like anyone else. We are not questioning the skills or experiences of the service providers, trainers, or administrators who are not deaf-blind. But rather AADB believes the deaf-blind consumers would be better served by qualified deaf-blind trainers, administrators and others who know and understand what its like to live as an individual who is deaf-blind.

AADB has also received complaints, privately, from several certified state entities, that have primary oversight and responsibility for compliance with program requirements, but fulfill its responsibilities directly or through collaboration, partnership, or contract with other

individuals or entities within or outside of their states or territories. Some of the complaints received are:

- Lack of coordination between the certified program and their partners
- Long delays in processing applications and distributing the equipment due to lack of available funds,
- Conflicts between certified programs and their partners which resulted in complicated procedures that weren't necessary for final reporting to the Commission,
- Disagreements on what equipment are acceptable under the NDBEDP
- No consensus on the number of hours needed to train new consumers using the equipment
- Some conflicts between NDBEDP policies and existing state laws or systems in processing applications, doing assessments, and distributing equipment.
- Lack of information for consumers on how to file a grievance, or complaints of equipment or training received.

Even current national organizations who provide services for deaf-blind clients over the years, tend to be more focused on issues related to blindness than deafness or on deafness over blindness. This creates many problems for those who communicate in American Sign Language as their primary language or for non-signers who prefer to use speech or other modes of communication.

NDBEDP should move away from the current traditional deaf-only or blind-only programs or even existing deaf-blind programs which have many inherent problems serving the deaf-blind community, the same problems AADB have seen for many years. We prefer a new approach which would include qualified deaf-blind personnel in all levels, from an executive director down to trainers, in distributing equipment and determining eligibility. More to the point the deaf-blind personnel in NDBEDP can offer a much better personal touch with a passion for the service that many people who are not deaf-blind are unable to provide. In many situations the difference would be just like night and day.

The advantage of a one nationwide entity over 53 separate certified entities are:

- To serve as a single central administrator for the entire 50 states, Washington, DC, Puerto Rico and the Virgin Islands,
 - Establish a centralized web-based system with accessible features geared toward the primary users of NDBEDP, current and potential consumers within the program, and the administrators.
 - Not having to deal with separate reimbursements for each certified program
 - Eliminate issues or problem which require the Commission to seek replacement in states when state programs relinquished their certification.
4. As the single nationwide entity, the certified program's primary responsibility is distribution of equipment which includes outreach, assessment, installation of devices, and training. In addition, the certified program is also responsible for the administrative functions such as submission of reimbursement claims, fulfillment of reporting obligations, and annual audits. All tasks would be most appropriately delegated to a central administrator in one certified program as a single entity in serving the deaf-blind consumers for all 50 states, plus Washington DC, Puerto Rico and the Virgin Islands.

The advantages of transferring all of the responsibilities of distribution of equipment and administrative functions) to a single administrator are:

- Better consistency in assessing the deaf-blind person and distributing the equipment
- Not be bound to a patchwork of existing state laws which could slow the application and distribution process,
- Better accountability and transparency to improve oversight by the Commission
- Reducing fraud, waste, and abuse
- Reduce administrative overhead which will free up more funds for equipment distribution and trainings
- Better efficiency in reaching the deaf-blind community
- Assessors/Trainers can serve more than one state
- Reduce administrative costs and paperwork for entity and for the Commission
- Simplify recordkeeping when the deaf-blind person move from one state to another

The advantage of adopting a centralized web-based systems for processing reimbursement claims or reporting far outweigh the disadvantages in many ways. The likelihood of maintaining the distribution and administrative functions will continue uninterrupted without having to worry about any certified program withdrawing from the NDBEDP before the end of the certification period.

As part of its strategy, the Commission is strongly encouraged to adopt a centralized web-based system, not only for processing reimbursement claims, but for the entire NDBEDP through a single certified nationwide entity, which includes distribution and administrative functions as well as many other activities. The web-based system would benefit the:

- Technical personnel who conduct assessment, installment and evaluation, can submit their reports directly along with their recommendations,
- Deaf-blind consumers can submit their own evaluations and provide suggestions on equipment and training experience
- Administrators at the Commission can view the data to ensure that the certified NDBEDP program is meeting the Commission's goal of reducing fraud, waste, and abuse,
- Companies and vendors can enter new or upgrade existing equipment offerings as they emerge on the market, for evaluation and testing for its use and accessibilities by technical personnel.

There are many other great benefits that a centralized web-based program can do. All tasks would be appropriate for assignment to a single centralized entity NDBEDP program with oversight by the Commission. This approach can increase the likelihood that program will fulfill the terms of its certification by creating greater efficiencies in a timely manner.

In getting everything together for the NDBEDP in the most effective and efficient ways, AADB strongly urges the Commission to dismantle the current set up of multiple certified programs and consider establishing a single nationwide entity, a new nonprofit organization where its only mission is to distribute equipment to eligible deaf-blind people. It would be more

efficient in the matter of time and resources. Having a single entity operate the NDBEDP, including all the responsibilities currently handled by 53 separate certified programs or entities would be the most cost effective approach..

In distributing the equipment and perform the necessary administrative functions, a 501(c)(3) nationwide profit organization should have the following components:

- Board of Directors where its roles are to ensure that it is operating in accordance with its mission and purpose, ensures legal and ethical integrity, maintains accountability, provides proper financial oversight, including setting and approving an annual budget and ensures that programs are in place to further the mission and the goals of NDBEDP.
- Executive Director whose role and responsibilities are to manage the day-to-day operations, execute those policies, programs, and initiatives, hires, supervises, and motivates the staff of the nonprofit entity, works with the staff and board to develop policies to guide the organization and programs, and keep the board informed of the organization's progress.
- Administrative Assistant whose role is to assist the Executive Director with office tasks in the day-to-day operations.
- Technical Personnel whose role is to assess the consumer's specific needs, order and install the required equipment, follow up and evaluate the consumer's progress to ensure that his or her telecommunication needs are met.

Without any data, information, report or statistic from current stakeholders, AADB is unable to give an estimate on the number of needed qualified personnel to distribute the equipment and conduct administrative functions. We would welcome the opportunity to discuss further about the consumer experience during the first two years of NDBEDP.

The technical personnel can be qualified individuals and/or state agencies as well as national service organizations contracted to provide direct service to the deaf-blind clients. Those individual would need to abide by the principles in every aspect of equipment distribution in a timely manner and without requiring the deaf-blind applicants to jump so many hoops beyond those prescribed by state or federal laws.

In the spirit of providing the best service for the deaf-blind consumers, AADB would prefer that this nationwide certified program as a single entity with a majority of qualified deaf-blind persons to serve on the board of directors (both officers and board members), executive director, administrators, technical personnels, administrative assistant and other positions within the organization. If a suitable deaf-blind candidate cannot be found, the position should be fill by qualified people who are not deaf-blind, but otherwise support the goals of the entity.

5. AADB agrees with the *NDBEDP Report and Order that set forth a series* of criteria that has been used by the Bureau to evaluate an entity's qualifications to obtain certification, including expertise and experience in the field of deaf-blindness and communications services, sufficient staffing and facilities, and the ability to communicate effectively with and provide equipment training for people who are deaf-blind.

However AADB does have a concern on the criteria that determine the qualification on the expertise and experience in the field of deaf-blindness as being too loosely defined. The problems that we see often is the person providing the service only have partial knowledge in the field of deafness or blindness, but not familiar with the full deaf-blind (DB) spectrum. For example, a hearing or hard of hearing employee working with a DB person whose language is ASL would have very little knowledge of those who are culturally deaf. Another situation is where an employee fluent in ASL would not understand the issues facing a hard of hearing person who is also becoming blind. Still another situation: a young trainer may not understand the needs of senior citizens who are losing both their vision and their hearing.

The deaf-blind community is diverse with many deaf-blind individuals with different levels of hearing and vision loss, background, cultures, languages and communication modes.

For example the deaf-blind person may be:

- Hearing blind individuals who became hard of hearing or deaf
- Deaf individuals who become blind
- Senior citizens who lose both hearing and vision as they age

In regards to the deaf-blind first language or preferred communication modes may be:

- American Sign Language (ASL),
- Tactile Sign Language (TASL),
- Signing Exact English (SEE),
- speech,
- braille,
- computer with large print, and,
- an host of other forms of communication.

In addition, there are specialized techniques to help expand the deaf-blind's visual information such as Pro Tactile and Haptic³ techniques.

In order to ensure the best possible service, the services providers and their staff need to have at least a good working knowledge and proper training in all aspect in the field of deaf-blindness, including language, communication mode, and their background culturally.

In the situation of multiple entities certified programs, the issue of meeting the the criteria that determine the qualification on the expertise and experience in the field of deaf-blindness become more problematic due to different definition of deaf-blindness and interpreting the criteria itself especially when the deaf-blind person who meet the eligibility requirement for the needed equipment in one state, move to another state, may not meet that state's different eligibility requirement. With a certified nationwide program as a single entity, this issue becomes moot.

³ http://en.wikipedia.org/wiki/Haptic_technology

In selecting the proper entity for the NDEBEP, AADB believes the Commission should invite entities to apply and then make a selection from among qualified applicants.

6. AADB fully supports certifying any program under the permanent NDBEDP. With a single nationwide certified program as a single entity, the certification process would be so much simpler than trying to certify 50 separate states, Washington DC, Puerto Rico and the Virgin Islands. The savings in time, resources and manpower can result in additional needed funds for the distribution of equipment for well-deserving eligible deaf-blind people who otherwise cannot afford it.

With a centralized web-based system place and fully functional, AADB feels that a certified nationwide program should not have to go through the renewal certification process at all in the interest of saving, time and most importantly funding. However like the current Internet based TRS rules⁴, the Commission could require the program to to seek renewal of its certification for a period of five years.

7. AADB fully supports having the Bureau designate an NDBEDP Administrator who has been responsible for, among other things, reviewing applications from possible entities for certification to receive NDBEDP funding, allocating NDBEDP funding, reviewing reimbursement claims, maintaining the NDBEDP website, resolving stakeholder issues, and serving as the Commission point of contact for the NDBEDP.

Without the necessary data, information or report, AADB is unable to determine if the service of a TRS Fund Administrator, Rolka Loube Saltzer Associates, LLC, which is responsible for,

⁴ <http://www.fcc.gov/document/internet-based-telecommunications-relay-service-provider-certification>

among other things, reviewing cost submissions and releasing funds under the NDBEDP for distributed equipment and related services, including outreach efforts, is needed or not.

III. Funding

8. AADB has received numerous complaints from consumers receiving equipment late after a delay of several months, or in a few cases more than a year or not knowing if they meet the NDBEDP eligibility requirements to receive the equipment. There were complaints in processing the application for the needed equipment or delays in receiving equipment even after approval was granted for the application. In some situations there were long delays in receiving training or in some cases no training at all. From the many comments that we received, It appears that the primary reason for the delay is the multi entities certified program did not have funds available.

AADB praises the Commission in their effort in allocating the fund reasonably and fairly. At the same time, we questioned the current method of allocating the NDBEDP funds as reasonable and fair. It's very difficult to determine what is reasonable or fair due to changes in number of eligible deaf-blind consumers each year, especially with 53 entities that are certified to distribute the equipment each year.

9. With the limited allocated fund available for the entire NDBEDP, AADB agree and support giving authorization to the Bureau to have funding reallocated between state programs when necessary to maximize the use of available funding. It may have hindered the distribution of equipment by programs that have not fully utilized their allocations but most likely it's unavoidable.

10. AADB would like to thank the Commission for allowing reimbursements the certified programs for the authorized costs of equipment and related services after these costs have been incurred, up to each program's initial or adjusted allocation. We fully agree and support the Commission in adopting this approach for the purpose of provide incentives to actively locate eligible participants and to provide greater accountability and protection against fraud, waste, and abuse. We agreed that certified programs to be giving options in seeking reimbursement monthly, quarterly, or semi-annually.

However, AADB is unable to comment if this reimbursement mechanism has worked in practice or not without any available data or information regarding any spending from the current NDBEDP participants. Upon reviewing comments from consumers who complained about the delay of receiving the equipment and training, it does bring up questions if the Commission should retain this reimbursement mechanism. If the Commission decides to adopt the web-based system, we further question if the reimbursement mechanism is needed for the reason that the designated NDBEDP administrator of the the Bureau and the TRS Administrator will have access to the required data and information available and would provide incentives to locate eligible participants, achieve accountability, and protect against fraud, waste, and abuse.

With the multiple certified programs where any advanced funds are made, the TRS administration or the Bureau should make adjustment to the funding allocation according to the funds not used, to be applied to the next funding cycle. This would be the most feasible way than asking the certified programs to return any unused funds.

With a nationwide certified program as a single entity, AADB believes the current system of allocation, re-allocation, or reimbursement of funds would be severely reduced or perhaps

eliminated. In addition, a centralized web-based system to input cost-related information and documentation, from which standardized reimbursement claims and reports could be generated to expedite processing, payment, and reporting would be the most efficient approach plus facilitate timely payment of claims? Should the Commission require that such claims be paid within a certain time frame. The suggested time frame should be no more than a week after submission, far better than a month or longer if done manually.

11. AADB support reimbursing the certified programs for administrative costs up to 15 percent of their total reimbursable costs for equipment and related services. We further support a cap of 5 percent to cover the cost of administration and services of a web-based system if the Commission should choose this approach. We believe the proposed caps are sufficient to cover administrative costs, such as reporting requirements, accounting, regular audits, oversight, and general administration plus administering the web-based system. If these proposed caps becomes a burden to the certified program(s), AADB encouraged the Commission to make adjustments accordingly.

AADB strongly opposes the establishment of any kind of caps on costs associated with outreach, assessments, equipment, installation, or training.

12. As noted earlier in our comments, AADB firmly believed that a accessible centralized web-based system would be the best approach in managing many administrative functions which include allocating and reallocating fund for the multi-certified programs. In a nationwide certified program as a single entity, this issue would be moot if permitted to allocate fund as see fit instead of the Bureau for the reasons:

- The Commission, the TRS Administrator, and the NDBEDP can access any of the necessary data and information, 24/7, needed to perform their tasks,
- To spot any questionable data or information entered into the system sooner,
- To troubleshoot problems or issues that needed to be addressed on a timely basis.
- To minimize the chances of fraud, waste, and abuse.

In setting up web-based system, there will be additional charges that the Commission will need to be consider for the first year. In a multi-certified program environment, AADB strongly advises the Commissioners to take the lead in establishing the web-based system and full control of administrative function required to maintain it. With a nationwide certified program, the Commissioners can delegate some responsibilities such as screening the applicants, submitting assessment, equipment and training reports and evaluations.

Without having any information, data or program specification to install, develop, test and administrate the web-based system, it would be quite difficult for AADB to determine a reasonable percent of the \$10 million allocation for the first year. After the first year, the cost of administering the web-based system, including updating and upgrading the system, should not exceed 5 percent of the \$10 million allocation for a total administration cap of 20 percent.

AADB believes the web-based system should be consider as a program rather than an administrative function of the Commission and encourage the selection of a nonprofit organization as the certified nationwide program. The cap to cover the cost of a web-based system should be at 5 percent of the \$10 million allocation.

In the interest of getting the equipment to eligible deaf-blind consumers in a timely manner, AADB encourages the Commission to move away from the reimbursement mechanism and adopted a fund mechanism which gives the annual allocated fund to each certified program for the reasonable costs of operating these programs in compliance with the Commission's rules.

As noted earlier in this document, AADB strongly believe many of the issues brought up in the Commission's Public Notice, would be much less if the NDBEDP becomes re-established as a single nationwide certified program under a single entity to save time and resources for both the Bureau and the certified program. In addition, the funding allocation can be determined by where is needed by allocating a minimum base amount of \$50,000 for each jurisdiction plus an amount in proportion to each jurisdiction's population of deaf-blind individuals.

To simplify the fund allocation and reimbursement process, AADB strongly urges the Commission to consider a single certified nationwide program as the best overall approach for the NDBEDP.

IV. Consumer Eligibility

13. AADB agrees and supports using the definition within the Helen Keller National Center for Youths and Adult Act,⁵ as the proper definition for the NDBEDP. The Commission need to be mindful that an individual with a combination of both vision and hearing loss be considered "deaf-blind", "Deaf-Blind" or "DeafBlind" as the proper term to identify themselves.

AADB further supports the certified program to:

- to consider an individual's functional abilities with respect to using telecommunications, advanced communications, and Internet access services in various environments when determining whether an individual is "deaf-blind", and

⁵ Helen Keller National Center for Youths and Adult Act, Title 29, entitled "Labor"; Chapter 21; Section 1905,

- require that individuals seeking equipment under the NDBEDP must provide disability verification from a professional (e.g., community-based service provider, vision or hearing related professional, vocational rehabilitation counselor, individualized education programs, Social Security determination letters, educator, and medical or health professional) who has direct knowledge of and can attest to the individual's disability. In the interest of reducing fraud, waste, and abuse, AADB agrees that the Commission

has the authority to adopt or make modifications to the rules under the CVAA's definition of individual who are "deaf-blind"⁶ as those who are eligible to received equipment and training.

14. AADB overwhelmingly opposes any income criteria or ruling in any form to be used in determining the deaf-blind consumer's eligibility in receiving the needed equipment and training.

To determine the consumers' income as part of eligibility requirement, does truly defeat the purpose of the program by limiting potential opportunities for the deaf-blind person to achieve in their lives, like instituting DB with a new form of Supplemental Security Income (SSI). The NDBEDP is entirely meant to provide DB people with equipment necessary to sustain the quality of their life as a whole while maintaining connections with their peers.

By imposing such restriction, those who do not qualify still suffer as a result because the equipment they sorely need is usually very expensive and will require them to save up in monthly investments to make the ends met. No matter if the person is deaf-blind or not, no one should be forced to pay over \$700 to make phone calls or even access the Internet.

Furthermore, this is about the denial of our civil rights towards technology and access to information. People can buy equipment and enjoy it out of the box right away while we have to wait for months or years before our turn comes.

⁶ <http://www.fcc.gov/document/implementation-cvaa-section-105-relay-services-deaf-blind>

AADB strongly urges the Commission to find ways to enact regulations that will remove the income requirement as a determination factor for deaf-blind person's qualifications to obtain the needed equipment and training to maximize their abilities in making making phone calls using legacy PSTN analog technologies or the modern VoIP digital technologies over the Internet.

Since Congress mandated the low-income level as 400% of the Federal Poverty Guidelines (FPG) rules into the NDBEDP, AADB most reluctantly and under protest, concurred with the Commission to consider the deaf-blind income as part of consumers eligibility with an additional component. For those who are not qualified under the 400% of the Federal Poverty Guidelines, we strongly urge the Commission to consider their income criteria based on a sliding scale system where the deaf-blind people can obtain the unaffordable assistive or specialized equipment and have these deaf-blind individuals purchase standard off-the-shelf equipment. It's only fair for those cannot meet the poverty guideline and still cannot afford the needed equipment to make phone calls and access the Internet.

15. For other eligibility criteria, AADB agreed whether under several multiple certified programs or one nationwide program:

- require that NDBEDP equipment recipients demonstrate that they have access to the telecommunications, advanced communications, or Internet access services that the equipment is designed to use and make accessible, and,
- may not impose employment-related eligibility requirements for individuals to participate in the program.

For the reason that these criterias are not necessary, AADB agree that the multi certified programs or nationwide program should not be permitted to consider:

- the demographics of their jurisdictions,

- the amount of NDBEDP funds allocated for their jurisdiction,
- the availability of equipment and services through other programs, or,
- other factors to prioritize the distribution of equipment or provision of related services to qualified applicants.

V. Equipment

16 Under the permanent NDBEDP, AADB agrees and fully supports the Commission's efforts:

- to provide support in the distribution of specialized customer premises equipment needed to make telecommunications services, Internet access service, and advanced communications, including interexchange services and advanced telecommunications and information services[6] accessible to people who are deaf-blind,
- to reimburse certified program(s), for the reasonable cost of equipment, which may be hardware, software, or applications, separate or in combination, mainstream or specialized, as long as it meets the needs of the deaf-blind individual to achieve access to NDBEDP covered services,
- to reimburse certified program(s), for equipment-related expenses, including maintenance, repairs, warranties, returns, maintaining an inventory of loaner equipment, as well as refurbishing, upgrading, and replacing equipment distributed to consumers,
- to permit certified program(s), to distribute multiple pieces of equipment to eligible consumers, as needed,
- to allow certified program(s), to lend or transfer ownership of the distributed equipment to qualified recipients, and,
- when a recipient relocates to another state, certified programs must permit the transfer of the recipient's account and any control of the distributed equipment to the new state's certified program.

With the proper access to the centralized web-based system, AADB strongly encourages the Commission to allow:

- consumers, technical personnel, equipment manufacturers/distributors to submit suggested products for testing, assessment and evaluation to be considered for the NDBEDP list of acceptable equipment available for distribution,
- technical personnel to enter data on their assessment, the proposed equipment needs and evaluation of eligible deaf-blind consumers,

- company/manufacturers to provide the product's manual or instruction, history, procedures for updating and upgrading the device,
- eligible deaf-blind consumers submit complaints and praises, and,
- other information or tasks that would enhance the consumer's experience in using NDBEDP.

VI. Individualized Assessment of Communications Needs

17. For the permanent NDBEDP, AADB agrees and support the Commission's rules to:

- permit reimbursement for the reasonable costs of making individualized assessments of a deaf-blind individual's communications needs by qualified assistive technology specialists, and,
- permit reimbursement for reasonable travel costs of assessors and for support services, such as qualified interpreters, to conduct individualized assessments

We strongly urge the Commission to permit reimbursement of travel costs for consumers to travel to receive assessments. There will be cases where the consumers may need to be able to try out various types of communication devices that are located where the equipment may be. The site where the needed equipment may be located near a deaf or blind state agency, nonprofit where the equipment may be on display or to the nearest retail store where the salesman may allow the trainers to attach the assistive equipment to the off the shelf standard equipment.

It would be most efficient and effective to allow the consumers to view and evaluate the various equipment wherever they may be.

In the case of mobile equipment, field testing should be mandatory where the user lives, and where he or she spends most of the time, like at the workplace or at school.

AADB has fielded some complaints from deaf-blind consumers related to their assessment of the equipment. It appears that the assessors are considering the absolute basic

telecommunication needs like a number, not as a human being like most people who enjoys full access to making calls through the standard phone or the Internet.

Here is one example: A consumer who was approved needed two braille displays. One braille display with all the features that can help this consumer to make phone calls on his PC. This model is quite heavy, bulky and too fragile to be used for traveling.

The other braille display is very strong and light-weight but with much less features which limits the consumer's ability to make calls. The particular model is designed to be used with a smartphone when traveling.

The assessor has determined that the consumer can only have one or the other, but not both. The danger of carrying the heavy-weight braille display with all the features, is that this model can be easily broken while traveling. The light-weight model with less features but with limited access to make phone call, is much more stronger and easier to carry.

Another example:

Two deaf-blind individuals who are married to each other, have requested two tablets and two smartphones to make and receive phone calls. Both have low vision and need to use a video phone to make point to point calls and relay service calls. Both cannot see on the small video screen on the smartphone but can see the larger screen on the tablet. The major reason for the smartphone is that the tablet does not have a ringer or any kind of alerting signal to warn them of incoming calls. In addition, one of the spouses travels more frequently than the other.

After assessing their equipment needs, the assessor has determined the couple can have one smartphone for the husband and one tablet for the wife. This assessment is ok if both

husband and wife stay home, but not when the wife is out of town, as the husband will not be able to communicate with his wife. Both cannot see the screen on the smartphone due to the fact that both are deaf-blind. Both need the tablets to make phone calls but the tablets have no ringers or alerting signals to warn them of incoming calls. Neither of them will be able to call each other until the wife comes home.

In both examples, AADB disagrees with both assessments. Both decisions limited the abilities for people who are deaf-blind to make phone calls anywhere, any place where most people who are not deaf-blind, can enjoy and take for granted. In AADB's view, this is a denial of deaf-blind's civil rights towards technology and information. Today, most people can buy equipment and enjoy it right away out of the box while we have to wait for our turn to come before we can use equipment that meets our needs.

AADB also have serious concerns with the inequality of the assessment, especially with multi-entities certified programs where some entities are using different set of rules than the others.

With the understanding that communication is not a luxury, but a necessity, in today's world, a deaf-blind assessor sent us some excellent advice. A good assessor would take the extra time:

- to understand that there is no one size-fits-all solution and be able to offer alternative telecommunication solutions,
- examine the applicant's lifestyle, their specific needs, and to be able to write a detailed assessment that would justify the equipment needed for audit purposes,
- highlight the deaf-blind person's human side as well as identifying their telecommunication technology needs,

- to be fully aware of all the technology options that are available in order to make a viable recommendations,
 - to be aware and have a good working knowledge of local and other resources that will benefit the consumers in using the equipment as well as other features and programs, such as training to use other programs that come with the device like a word processor and a browser for general web surfing, and
 - to understand the system and recognize all the valuable opportunities the consumer might have to greatly increase the amount of equipment they can receive.
- For the purpose of ensuring the best optimized assessment possible for each consumers,

AADB strongly urges the Commission to adopt a basic set of rules, using the above advice as a model.

VII. Installation and Training

18. AADB completely agrees it's very important to allow reimbursement for reasonable costs of installing NDBEDP distributed equipment and individualized consumer training on how to use the distributed equipment. The Commission needs to also permit reimbursement for reasonable travel costs of trainers and for whatever support services, such as qualified interpreters, as needed to conduct individualized training.

In most cases, the consumers would benefit greatly by having the trainers come to consumers' home than providing reimbursement of travel costs for consumers to travel to receive individualized training. If traveling to the facility where the training takes place, consumers would need additional support such as Service Support Providers (SSPs) to enhance their traveling to and from the facility, to get around the facility, and finding nearby restaurants to name a few additional expenses.

More likely, consumers will need some assistance from a qualified trainer that comes to their home to install and configure the equipment and ensure the consumer is capable of using the selected equipment. Sometimes the equipment received in their home was not be the right equipment ordered. As a result of poor follow-up the equipment would sit in a box on a shelf in the consumer's home, untouched.

Having the trainers come to the consumers would be the most efficient and effective for the NDBEDP and beneficial for the consumers in the long run.

19. At the time when the NDBEDP first began, it appears that the Commission was under the assumption that the qualified personnel can learn communicate receptively and/or expressively in Braille or American Sign Language in a very short time. There have been some complaints in regards to the trainers' communication skills. According to some of the complaints, the consumers would rather communicate directly with the trainers instead of using interpreters. It's not the question of the interpreter's communication skills but a lack of knowledge of the technical jargon and terminology plus being unfamiliar with the equipment to provide the best interpreting service. Also there were situations where the interpreter did not have the skill or experience to communicate with the deaf-blind consumers effectively.

The common complaints that AADB has seen is many trainers do have the skill and experience for one type of equipment but not for the others. Due to limited amount of information and lack of understanding the available options to make the right assessments, the deaf-blind consumers did not reap the full benefit that could be available to them.

AADB strongly urges the Commission to set aside NDBEDP funds in the pilot program to cover the cost of training for qualified individuals who can train NDBEDP equipment recipients – i.e., a “train the trainer” service.

As far as AADB knows, the Helen Keller National Center for Youths and Adults⁷ is the only professional resources in providing some train-the-trainer sessions for some certified programs. However we did not receive any comments on these sessions or do we know if these sessions are on-going.

In the respect on the effective or efficiently of online training modules by skilled specialists to provide training remotely, there are quite a few issues that need to be considered, mainly in the area of accessibility and learning how to use the online module. It can be quite a challenge for those who use a screenreader. If the training required hands-on training in using the equipment, that also can be problematic as the screen readers may not be able to access the video. At this time, AADB suggests that conducting online equipment training may not be an effective tool for train-the-trainers sessions.

AADB is in full agreement that a national entity coordinate the train the trainers sessions.

Unfortunately, AADB does not have any data or information to give an estimate on the amount of funding that should be set aside for such training or the period of time such funding should be permitted.

VIII. Outreach and Education

⁷ <http://www.hknc.org/>

20. AADB would like to thank Perkins School for the Blind⁸ in partnership with the Helen Keller National Center for Deaf-Blind Youths and Adults, FableVision, Inc.⁹, and worked with other national and local consumer groups, parent groups, agencies, and associations for doing their part in promoting the NDBEDP for the past two years. We also appreciated the presence of NDBEDP in Facebook¹⁰ and other social media as well as public service announcements (PSAs), advertisements on billboards and in magazines.

Unfortunately, AADB is unable to determine the impact, efficiently and effectiveness of the National Outreach program due to lack of data, information, reports of any kind, or newsletter. Nevertheless, we believed that the outreach program did have some impact.

After spending over \$1 million in promoting the NDBEDP, AADB believes that the time has come where the NDBEDP's National Outreach Program has outlives its usefulness and it's no longer needed or justification in continuing the program. Instead we believe the fund can be better use in other area of the NDBEDP such as:

- distributing the equipment,
- train the trainers
- provide more training hours for the consumers,
- administering the centralized web-based system

21. AADB strongly urge the Commissioners to, dismantle the National Outreach Program, transfer the \$500,000 allocated for that program back to the NDBEDP equipment distribution and allow the certified nationwide or state certified program(s) to develop their own outreach programs to budget 1% but no more than 2% of the total fund allocation.

⁸ <http://www.perkins.org/>

⁹ <http://www.fablevisionstudios.com/#welcome>

¹⁰ <https://www.facebook.com/iCanConnect.org>

IX. Oversight and Reporting

22. AADB fully agrees and supports the requirement for all certified programs to report to the Commission which include among other things, information about NDBEDP equipment recipients; equipment that was distributed; the amount of time, costs, and other resources allocated to outreach activities, needs assessment, equipment installation and training, equipment maintenance, repair, refurbishment, and upgrades; equipment requests that have been declined; complaints; and length of waiting times for approval, equipment, and services.

AADB further agree with the Commission's conclusion that such reporting is necessary for the effective administration of the NDBEDP pilot program, to assess the effectiveness of the program, to ensure the integrity of the TRS Fund, to ensure compliance with the NDBEDP pilot program rules, and to inform the Commission's rulemaking for the permanent NDBEDP.

However, AADB believes that all certified programs should submit their report more frequently than six months. By using a report feature in a centralized web-based system, the Commission can obtain the necessary data anytime 24/7 when the consumers submit their comments and technical personnel submit their reports such as consumers' assessments, evaluations, equipment proposals and other communications.

The advantage of using a centralized web-based system is a saving of time, manpower and resources in creating the reports which in turn avoids possible duplications and errors in reporting. The Commissioners will be able to see up the minute reports instead of waiting every six months. More to the point, this approach will meet the Commissioners' expectations, and alleviate their concerns in reducing fraud, waste, and abuse.

23. AADB further agrees and supports the requirement that all certified programs must engage an independent auditor to perform annual audits designed to detect and prevent fraud, waste, and abuse.

X. Other Considerations

24. To sum up the comments in this document, AADB would like to reaffirm several points of action for the Commission for the purpose of improving the NDBEDP.

AADB strongly urges the Commision to seek legislation to increase the NDBEDP overall annual budget from \$10 million to at least \$15 million to cover many financial shortfalls that has been incurred in the past two years, and to completely remove income criteria as part of the consumer's eligibility.

AADB strongly urges the Commission to support all efforts to establish a new 501(c)(3) nonprofit organization whose mission is to distribute the telecommunication equipment for the NDBEDP, to serve permanently as a single nationwide certified program entity for the entire NDBEDP. and to adopt a centralized web-based system to expedite documentation and record keeping of NDBEDP activities in compliance with the CVAA and Congressional intent.

Respectfully submitted,

/s/

Randall Pope, President
American Association of the Deaf Blind